

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<hr/>		<b>X</b>
<b>Teachers4Action et al,</b>	:	<b>Civil Action #</b>
	:	<b>08-cv-548 (VM)(AJP)</b>
<b>Plaintiffs</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>Bloomberg et al,</b>	:	<b>NOTICE OF FILING</b>
<b>Defendants.</b>	:	
<hr/>		<b>X</b>

Edward D. Fagan hereby declares and says:

1. I am Plaintiffs' counsel and in accordance with the Court's prior directions and representations made at the August 21, 2008 Conference, I hereby file the following documents for the Court's consideration.
2. August 20, 2008 Florian Lewenstein Declaration – See Exhibit 1. *[Note: After a review of the materials provided and consultation with some clients (including some who have/had documentation regarding EEOC and/or NYSDHR complaints) I can report that – according to a few clients certain documents were not provided. I will follow this up with Mr. Lewenstein directly and perhaps he will find those when he files his supplemental report later today.]*
3. As to “Right to Sue Letters”, the following Plaintiffs have been able to locate and provide (i) EEOC Right to Sue Letters or Complaints or other identification of EEOC complaints, or (ii) NYSDHR letters, complaints or other identification of NYSDHR complaints, or (iii) Union Grievances or (iv) explanations related to equitable tolling:

- a. Adams, Twana – See Exhibit 2 (right to sue document attached or being provided);
- b. Batyreva, Olga – See Exhibit 3 (right to sue letter attached);
- c. Berkowitz, David – See Exhibit 4 (reserved)<sup>1</sup>;
- d. Bell, Ming – See Exhibit 5;
- e. Berlyne, Jonathan – See Exhibit 6;
- f. Castro, Jaime – See Exhibit 7;
- g. Caminiti, Tony – See Exhibit 8;
- h. Chavez, Gloria – See Exhibit 9 (right to sue document attached or being provided);
- i. Cruz, Josefina – See Exhibit 10 (*Note: Ms. Cruz is out of the country but she has a Right to Sue letter and I will file it as soon as she returns*);
- j. Cullen, Jimmy – See Exhibit 11 (reserved);
- k. Ganis, Louisa – See Exhibit 12 (reserved);
- l. Gisors, Roselyne – See Exhibit 13 (*Note: Ms. Gisors suffers from a physical disability and her files are among those which Mr. Lewenstein has yet to produce – right to sue document attached or being provided*);
- m. Hart, Joanne – See Exhibit 14;
- n. Hinestroza, Arnulfo – See Exhibit 15;
- o. Johnson, Eleanor – See Exhibit 16 (reserved);

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<sup>1</sup> The reference to the word reserved is that the Plaintiffs informed me that they filed complaints and that they would be providing me with confirmation of the complaints. Because the Court is going on vacation, I did not want to delay this filing beyond 5 pm.

- p. Levine, Jane – See Exhibit 17 (right to sue document attached or being provided);
- q. Polito, Julianne – See Exhibit 18;
- r. Radke-Gabriel, Alena – See Exhibit 19 (right to sue document attached or being provided);
- s. Robinson, Thomasina – See Exhibit 20;
- t. Russo, Denise – See Exhibit 21;
- u. Santucci, Paul – See Exhibit 22;
- v. Saunders, Jennifer – See Exhibit 23 (right to sue letter attached);
- w. Scheiner, Brandi – See Exhibit 24;
- x. Sieffert, Linda – See Exhibit 25 (reserved);
- y. Smith, Dan – See Exhibit 26 (reserved);
- z. Teel, Gilda – See Exhibit 27; and
- aa. Westbay, Michael – See Exhibit 28 (right to sue letter attached).

2. As per my prior representations to the Court, in the coming days, I will:


- a. File FRCP 41 (a) (1) Notice of Voluntary Dismissals, without prejudice, of the claims by Teachers4Action Inc.;
- b. File FRCP 41 (a) (1) Notice of Voluntary Dismissal, as to those named Plaintiffs who do not have and for whom I cannot in good faith prosecute Title VII Claims; and

c. Notify the Court of the Voluntary Consolidation of Plaintiffs' claims to certain "Core" Causes of Action, including (i) Due Process and 1<sup>st</sup> Amendment Claims; (ii) Title VII Claims, (iii) 42 USC 1983 Claims or NYS Executive Law § 297 Claims, (iv) Breach of Contract Claims, (v) Breach of Duty of Good Faith & Fair Dealings Claims and (vi) related claims.

3. To the extent the Court wishes or permits, the individual Plaintiffs will submit additional declarations to demonstrate that their actions are/were timely, equitable that the principals of tolling apply, that the actions complained of in Plaintiffs Amended Complaint are part of an ongoing pattern or wrongdoing, and that the facts as set forth in Plaintiffs Amended Complaint Plaintiffs being permitted to prosecute their claims. *See Francis v Elmsford School District* 442 F. 3d 123 (2d Cir. 2006)(evidence related to lack of right to sue letter), *Fernandez v Chertoff* 471 F. 3d 45 (2<sup>nd</sup> Cir. 2006)(equitable tolling), *Brown v Parkchester South Condominiums* 287 F. 3d 58 (2<sup>nd</sup> 2002)(equitable tolling), *Russell Sage College v. State Div. of Human Rights*, 45 A.D.2d 153,357 N.Y.S.2d 171 (3rd Dept. 1974), *aff'd* 36 N.Y.2d 985; or *Hogan v Metromail* 107 F. Supp. 2d 459 (SDNY 2000 – Judge Marrero) (age discrimination, retaliation, disparate treatment and constructive discharge claims) and *Threadgill v Moore USA* 269 F.3d 848, cert denied 535 US 970 (2002).

4. The foregoing statements by me are true to the best of my knowledge, information and belief.

Dated: August 22, 2008  
New York, NY

  
/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan Esq.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, NY 10001  
Tel. (646) 378-2225  
Plaintiffs' Counsel

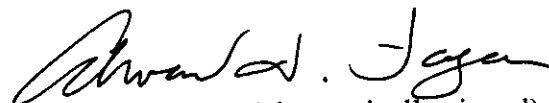
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the foregoing August 22, 2008 **NOTICE OF FILING** along with attachments is being filed electronically with the Clerk of the Court.

Hard copies of the papers are being hand delivered to the Hon. Andrew J. Peck USMJ and to counsel of record Blanche Greenfield Esq. Office of Corporation Counsel 100 Church Street, 4<sup>th</sup> Floor, New York, NY and Charles Moerdler Esq. of Stroock Stroock & Lavan 180 Maiden Street, New York, NY

And a courtesy copy delivered electronically to Florian Lewenstein, Plaintiff Pro Se – via email at [florianjl@gmail.com](mailto:florianjl@gmail.com)

Dated: August 22, 2008  
New York, NY

  
/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan, Esq.

# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

		X
Teachers4Action et al,	:	Docket No.
	:	08-cv-548 (VM)(AJP)
v.	:	
	:	
Bloomberg et al	:	
	:	
	:	
	:	
	:	
		X

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**DECLARATION OF FLORIAN LEWENSTEIN  
REGARDING TEACHERS4ACTION DOCUMENTS**

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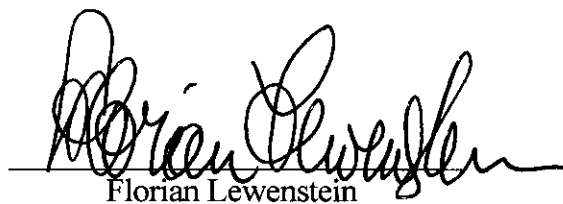
Florian Lewenstein hereby declares and says as follows:

1. I make these representations based upon my personal knowledge of events in this matter.
2. As for any representation made based upon information and belief, I believe such to be true.
3. I am currently a Plaintiff in this action and former President and organizer of Teachers4Actions, Inc.
4. Pursuant to my aforementioned involvement and extensive organizing efforts, I acquired information, including documents from other Plaintiffs.
5. Based upon information and belief, I never possessed nor was I ever given by any Plaintiff an original document.
6. I encouraged Plaintiffs to provide photocopies of any documents they submitted.
7. When Plaintiffs were unable to provide photocopies I copied or scanned their documents and returned the originals.
8. I did obtain and possess photocopies and / or electronic facsimiles of some documents.
9. I returned to Michael Hollander, on or about August 14, 2008 all originals,

photocopies and electronic facsimiles of documents in my possession relating to the other Plaintiffs in this lawsuit.

10. At one time I was given photocopies of letters sent by the Equal Employment Opportunity Commission known as "Right to Sue" letters.
11. One of these letters was for Sidney Rubinfeld and the other was for Michael Westbay.
12. Sidney Rubinfeld withdrew from this litigation and Michael Westbay remains as a Plaintiff.
13. Based upon information and belief, no other Plaintiff in this action was issued a "Right to Sue" letter, nor was I ever in possession of a "Right to Sue" letter issued to any other plaintiff.
14. I gave Michael Hollander all the documents in my possession relating to this lawsuit and the other Plaintiffs.
15. Having provided all documents in my possession relating to any named Plaintiff in this action, I possess no other documents but my own.

Dated: New York, NY, August 20, 2008

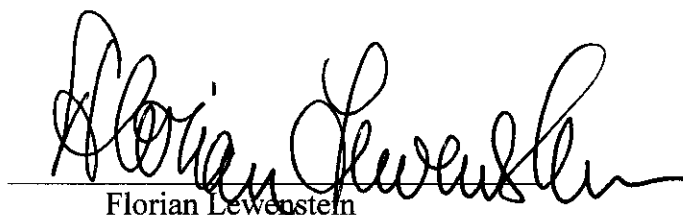


Florian Lewenstein

**DECLARATION PURSUANT TO 28 USC § 1746**

I hereby declare, under penalty of perjury, that the foregoing statements are true to the best of my knowledge, information and belief.

Dated: August 20, 2008



Florian Lewenstein



# EXHIBIT 2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office  
33 Whitehall Street, 5th Floor  
New York, New York 10004-2112

Twana Adams  
301 West 130th Street, Apt. #1F  
New York, NY 10027

EEOC Charge Number: 16GA702746  
NYSDHR Case Number: 10117441

**NOTICE**

This office has been informed that you filed a complaint of employment discrimination with the New York State Division of Human Rights (NYSDHR). The purpose of this notice is to inform you of your federal rights pursuant to one or more of the statutes under which you may have filed. Please be advised that your complaint will be investigated by the New York State Division of Human Rights, not the Federal Equal Employment Opportunity Commission (EEOC). All questions, correspondence and status reports with regard to your case must be directed to the New York State Division of Human Rights office where your complaint was filed.

**YOUR FEDERAL RIGHTS (if you filed under):**

- [X] Title VII of the Civil Rights Act of 1964, as amended - If you want to file a private lawsuit in federal district court with your own private attorney because you do not want the New York State Division of Human Rights to conduct an investigation, you may request from the EEOC a Notice of Right to Sue, 180 days after you have filed your complaint. Once the EEOC grants your request, it is only valid for ninety (90) days from the date the Notice was issued, after which your time to sue expires. If you want the New York State Division of Human Rights to conduct an investigation, you do not need to make this request, or to contact or write either agency. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.
- [X] The Americans with Disabilities Act of 1990 (ADA) - Same as Title VII, above.
- [X] The Age Discrimination in Employment Act of 1967, as amended (ADEA) - If you want to file a private lawsuit with your own private attorney, you could do so any time after 60 days from the date you filed your complaint with the New York State Division of Human Rights. This is only if you do not want the New York State Division of Human Rights to conduct an investigation, otherwise you do not need to do anything at this time. The New York State Division of Human Rights will contact you and/or advise you in the near future of their investigation and determination findings.

Date: April 25, 2007

# EXHIBIT 3

21 (3/98)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Olga V. Batyreva

From: New York District Office - 520  
33 Whitehall Street  
5th Floor  
New York, NY 10004



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.

EEOC Representative

Telephone No.

Holly M. Woodyard,  
Investigator

(212) 336-3643

16G-2004-00560

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made on any other issues that might be construed as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be your notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations of the Act). This means that backpay due for any violations that occurred more than 2 years before you file suit may not be collectible.

On behalf of the Commission

3/7/07

Enclosures(s)

Spencer H. Lewis, Jr.,  
Director

(Date Mailed)

cc:

City of New York, Dept of Education  
52 Chambers Street, Room 308  
New York, NY 10007  
Attn: Susan W. Holtzman, Esq.

Joseph J. Ranni, Esq.  
Jacobowitz & Gubits, LLP  
158 Orange Ave. Box 387  
Walden, NY. 12586

# EXHIBIT 4

# EXHIBIT 5



**NEW YORK STATE  
DIVISION OF HUMAN RIGHTS  
COMPLAINT FORM**

Please complete this form completely, sign it before a notary public, have it notarized, and return it to the New York State Division of Human Rights' Central office, One Fordham Plaza, 4<sup>th</sup> Floor, Bronx, NY 10458. For further information, and/or for assistance in filing a complaint, please refer to our website at www.dhr.state.ny.us, or call your local New York State Division of Human Rights office (See attached list).

**1. PERSONAL DATA**

First Name Ming M.I. F. Last Name Bell

Street Address [REDACTED] Apartment # [REDACTED]

City [REDACTED] State [REDACTED] Zip Code [REDACTED]

Primary Phone Number: Area Code [REDACTED] - [REDACTED] Ext.       

Secondary Phone Number: Area Code [REDACTED] - [REDACTED] Ext.       

**2. JURISDICTION**

I believe I was discriminated against in Educational Institution (please select one from below)

- Apprentice Training
- Boycotting/Blacklisting
- Credit
- Educational Institutions
- Employment (the employer being charged must have four or more employees)
- Housing
- Public Accommodations
- Volunteer Firefighters

The most recent act of discrimination against me occurred on: (If the discrimination is still going on, use today's date)

Month Aug. Day 21 Year 2008

**3. Basis**

I believe that I am being discriminated against because of my National Origin & Age  
 (please provide additional details below, for all that apply)

Age (if selected, state date of birth, and please specify):

Arrest Record (only if resolved in your favor, please specify):

Color (if selected, please specify):

Yellow

Conviction Record (if selected, please specify):

Creed/Religion (if selected, please specify):

Disability/Perceived Disability/Past Disability (if selected, please specify):

Familial Status for Housing Cases only (presence of children in the household):

Genetic Pre-Disposition (if selected, please specify):

Marital Status (if selected, please specify: Unmarried, Married, Separated, Divorced, Widowed):

Military Status (if selected, please specify):

National Origin (if selected, please specify):

Chinese

Pregnancy (if selected, please specify):

Race (if selected, please specify):

Asian

Sex (if selected, please specify: Male, Female, Sexual Harassment):

Sexual Orientation/Perceived Sexual Orientation (if selected, please specify):

Retaliation for Opposing Discrimination and/or Objecting to a Discriminatory Practice. (This involves retaliation for opposing discrimination based on one of the categories listed above, such as by filing a discrimination case, being a witness in a discrimination case, and/or objection to a discriminatory practice.)

Objecting to a Discriminatory practice

Violation of a Prior Order issued by the New York State Division of Human Rights (if selected, please specify case name, order number, and date of order):



ADDITIONAL INFORMATION

Please provide the names, addresses, and phone numbers for any possible witnesses, and what each person witnessed with respect to your charge:

Teachers in my school are afraid of being targeted. Therefore,  
I cannot provide anyone's name at this moment.

What remedy are you seeking as a result of filing this complaint?

I want to sue them for the damages that they had done  
to me, and I want to return to school to teach.

Please indicate below the name, address, and telephone number of a person who may be contacted and will know your whereabouts if the Division cannot locate you :

Name Yuka Bell

Address [REDACTED]

City [REDACTED] State [REDACTED] Zip Code [REDACTED]

Phone Number : Area Code [REDACTED] Ext.       

How did you hear about the Division?

- ☐ Referral (please identify the referring agency/organization/person): \_\_\_\_\_
- ☐ Heard about the Division from:
- ☐ Another State Agency (please identify): \_\_\_\_\_
- ☐ Radio Ad on Fair Housing (please identify station, if you recall): \_\_\_\_\_
- ☒ Other (please be as specific as possible): Internet
- ☐ Saw Division Brochure/Pamphlet
- ☐ Heard about the Division in a news story (please identify the story and the media type, such as newspaper, television, or radio): \_\_\_\_\_
- ☐ Other (please be as specific as possible): \_\_\_\_\_

**4. RESPONDENT**

Please provide information below regarding the party that discriminated against you ("Respondent").

Name of Firm, Organization, or Individual Against Whom you are Filing: (If you are naming a co-worker, supervisor, agent, etc., please also name the firm or organization.)

Name 1. Sara Tucci, Principal of P.S. 7, Queens, NYC DOE;  
2. Maria Farazdel, Assistant Principal of P.S. 7, Queens, NYC DOE;  
3. Heather True LaValle, Regional Operational Center (ROC), Queens, NYC DOE  
The New York City Department of Education (DOE)  
Address 52 Chamber Street

City New York State NY Zip Code 10007

Phone Number: Area Code 718 - 935 - 2000 Ext \_\_\_\_\_

**5. DESCRIPTION OF DISCRIMINATION**

Please answer the following questions concerning the discrimination about which you are complaining. Please try to be as specific as possible with respect to acts, dates, and names. Please write or print legibly or attach a typed description.

- A. Why do you believe that you were/are being discriminated against?  
I am a senior teacher who taught children in NYC public schools for 14 years with 4 Masters Degrees, 3 NYS permanent Teaching Certificates, and 7 NYC permanent Teaching Licenses. Yet, based on my Chinese look, the above named people demeaned my ability of speaking English and charged me as an incompetent teacher.
- B. What did/does the discrimination consist of?  
They removed me from teaching position in September 2007, and then confined me in a small room in another school for two months. In November 2007, they shifted me to a "Rubber Room" in Queens. I was confined there until the end of the 2007-2008 school year. They will continue to confine me in the "Rubber Room" when the new school year starts.
- C. Do you have any comparative data (such as names of other individuals who were in the same situation as you, but treated more favorably) or other information to support your charge of discrimination? If so, describe below:  
Yes. While Ms. Tucci tried to get rid of me, an experienced ESL teacher with many credentials, she imported someone from her homeland with no teaching experience and credential to teach ESL, a license required subject.
- D. Do you have any other information or evidence relevant to your claim of discrimination?

Yes. I have the documents that they created to demean my ability of speaking English and teaching.

**6. EXECUTION OF COMPLAINT**

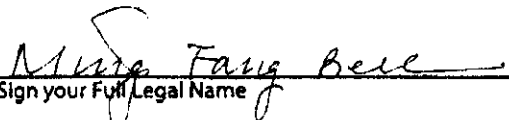
Based on the foregoing, I charge the above-named Respondent with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, you are also filing your employment complaint with the Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment), or filing your housing/credit complaint with HUD under Title VIII of the Federal Fair Housing Act, as amended (covers acts of discrimination in housing), as applicable. This complaint will protect your rights under Federal Law.

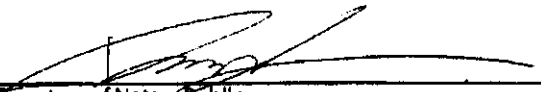
I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law and/or to accept this complaint on behalf of the U.S. Department of Housing and Urban Development for review and additional filing by them, subject to the statutory limitations contained in the aforementioned law.

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

  
Sign your Full Legal Name

Subscribed and Sworn to Before Me This  
2<sup>nd</sup> Day of August, 2008

  
Signature of Notary Public

DONNA ZHUO CHEN  
Notary Public, State of New York  
No. 01CH6144561  
Qualified in Queens County  
Commission Expires April 24, 2010

# EXHIBIT 6

----- Forwarded message -----

From:

Date: Fri, Aug 22, 2008 at 3:05 PM

Subject: RE: EEOC Complaint

To: Edward Fagan <[faganlaw@gmail.com](mailto:faganlaw@gmail.com)>

Dear Ed,

Here is the EEOC confirmation number Eas ID xSVNG

Eas key O8NdnLAB

Jonathan

Berlyne,  
Jonathan

# EXHIBIT 7



NEW YORK STATE  
DIVISION OF HUMAN RIGHTS  
55 HANSON PLACE, ROOM 304  
BROOKLYN, NEW YORK 11217

(718) 722-2856  
Fax: (718) 722-2869  
www.dhr.state.ny.us

DAVID A. PATERSON  
GOVERNOR

May 28, 2008

GALEN D. KIRKLAND  
ACTING COMMISSIONER

Jaime Castro  
[REDACTED]

Re: Jaime Castro v. City of New York, Department of  
Education  
Case No. 10111667

Dear Jaime Castro:

We previously wrote to you requesting a rebuttal to the respondent's written response to your complaint. To date, we have not heard from you.

If we have not received your rebuttal within 10 business days of the date of this letter, we will assume you have nothing to add, and the case will be decided on the basis of what is in the file.

Please remember that you must notify us immediately, in writing, of any change in your address and telephone number if you move. Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joyce Yearwood Drury".

Joyce Yearwood Drury  
Regional Director

# EXHIBIT 8



From: [REDACTED]  
Subject: Response/Request  
Date: August 22, 2008 3:33:44 PM EDT  
To: Faganlaw.Teachers@gmail.com

I just returned from the wilderness. [REDACTED]

Responses to your inquiries:

I never filed an EEOC complaint, an NYS Division of Human Rights Complaint or a Grievance on the advice of UFT.

Thanks.

Tony Caninti

Caninti,  
Tony

# EXHIBIT 9



Dana M. Diaz  
Investigator  
Phone (212) 336-3769  
Fax (212) 336-3790

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
(212) 336-3620  
TTY (212) 336-3622  
General FAX (212) 336-3625

August 1, 2007

Ms. Gloria Chavez  
[REDACTED]

Re: Gloria Chavez v. NYC Department of Education  
Charge # [REDACTED]

Dear Ms. Chavez:

This letter is to notify you that the Equal Employment Opportunity Commission has concluded its inquiry into your allegations of employment discrimination. Our charge prioritization procedures and enforcement plan call for us to focus our limited resources on those cases that are more likely to result in findings of violations of the laws we enforce. In accordance with these procedures, the Equal Employment Opportunity Commission has evaluated your charge based upon information and evidence gathered during the processing of your case. Our review fails to indicate that a violation has occurred and it is not likely that additional investigation will result in our finding a violation.

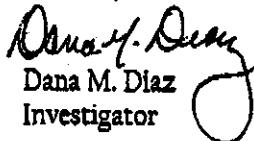
You allege that you were discriminated against by Respondent on account of your age in violation of the Age Discrimination in Employment Act. Specifically you state that your principal Jerod Resnick harassed you by yelling at you and threatening disciplinary action against you without reason. You claim that you were unfairly given an unsatisfactory rating for the 2005-2006 school; the reason being that you failed to administer the oral portion of the Spanish Regents Exam, but you claim that Respondent failed to provide you and the other Spanish teachers with the tools needed to administer the exam. At the close of the 2005-2006 school year, you were reassigned to the Manhattan Regional Operation Center, where you remain, awaiting disciplinary action. In addition, you state that during the 2005-2006 school year, Univision, a Spanish TV station, sought to award you with the honor of teacher of the month. However, Resnick would not allow Univision to come to the school, stating that you did not deserve the award.

Respondent denies discriminating against you. According to the position statement, you were given an unsatisfactory rating for the 2005-2006 school year as a result of your behavior in conjunction with administering the oral portion of the Regents Exam. Respondent states that you and the two other Spanish teachers were sent multiple memos regarding the Regents Exam and the administration of the oral portion, as this portion must be completed within a specific time frame. However, you and the other Spanish teachers failed to inform the assistant principal that the tools needed to administer the exam had not been supplied to you. Although you did express to Respondent that you disagreed with certain aspects of the exam's administration, it was not mentioned that you were not given the materials to perform the oral portion of the exam until after the time frame for administration had elapsed. As a result, 24% of the students failed the exam, as opposed to 1% in previous years; the oral portion is worth 25% of the Regent Exam. As a result, you and the other two individuals were given unsatisfactory ratings and were reassigned; one of these teachers is under the age of 40. In addition, Respondent

contends that in light of this, they did not feel it appropriate that Univision take pictures of you at the school while you were being reprimanded for an action that harmed the education of your students.

Given the above it does not appear that further investigation will result in the finding of a violation by Respondent. Even though you may disagree, the Commission dismisses your charge. The Determination/Dismissal is final. If you wish to pursue the charge on your own, you may file a lawsuit in Federal District Court using the Notice of Right To Sue, within 90 days of your receipt of it.

Sincerely,

  
Dana M. Diaz  
Investigator

Cc: Perthina Pegus, 

Enclosure

# EXHIBIT 10

# EXHIBIT 11

# EXHIBIT 12

# EXHIBIT 13



STATE DIVISION OF HUMAN RIGHTS  
STATE OF NEW YORK : EXECUTIVE DEPARTMENT

STATE DIVISION OF HUMAN RIGHTS  
on the Complaint of

ROSELYNE GISORS

Complainant

v.

CITY OF NEW YORK, DEPARTMENT OF  
EDUCATION

Respondent

VERIFIED COMPLAINT  
Pursuant to Executive  
Law, Article 15

Case No.  
[REDACTED]

I, Roselyne S. Gisors, residing at [REDACTED],  
[REDACTED], charge the above named respondent,  
whose address is 52 Chambers Street, Room 308, New York, NY,  
10007 with an unlawful discriminatory practice relating to  
employment in violation of Article 15 of the Executive Law of  
the State of New York (Human Rights Law) because of age, creed,  
disability, sex, and national origin.

Date most recent or continuing discrimination took place is  
9/7/2005.

The particulars are:

1. I am a disabled female of fifty-five (55) years of age  
(D.O.B. April 4, 1951), who is French born with accented speech.  
I am also a Seventh Day Adventist. Because of this, I have been  
subject to unlawful discriminatory actions.
2. About November, 1987, I was hired as a high school  
teacher. About September 1993, I became a high school guidance  
counselor at the Frederick Douglass Academy at 2581 Adam Clayton  
Powell, Jr. Boulevard, in Manhattan, New York. My time and  
attendance and work performance have been satisfactory until I  
was transferred to the rubber room.
3. Since about 2003, I have been discriminated against due  
to my age by Dr. Hodge who is in his forties; by his remarks  
alluding to that I am too old for my position of Guidance  
Counselor, because I have been there too long. As a result, he  
has sent me to other job vacancies outside the school, for the  
positions of Assistant Principal, while there are openings  
within my school. When I asked Mr. Hodge on four different

STATE OF NEW YORK  
DIVISION OF HUMAN RIGHTS

COMPLAINANT'S INFORMATION SHEET

- RL 1. According to the Division's Rules of Practice:
- (a) The Division or I shall be able to reasonably amend my complaint.
  - (b) This complaint may voluntarily be withdrawn in writing by me at any time before the Regional Office issues a determination. The withdrawal form must be signed by me or my attorney (original or fax will be accepted). A withdrawal form may be obtained from the Division.
  - (c) Conciliation or settlement is encouraged at all points in the proceeding, and the Division may provide assistance with conciliation or settlement at the request of any party.
- RL 2. A copy of my complaint and/or the determination in this matter will be sent to:
- None
- SL 3. I have a right to obtain private counsel.
- RL 4. I, or my attorney, may review the Division's file in this matter. I understand that I, or my attorney, may copy by hand any material in the file, or obtain photocopies at a nominal charge. I also understand that the Respondent in this matter has the same right to review the file.
- RL 5. I am to notify the Division of Human Rights of any change in my address, telephone number or place of employment which may occur during the course of the Division's proceedings. I understand that failure to do so may jeopardize my rights.
- RL 6. I shall give the Division's regional office as much advance notice as possible in the event I cannot attend any scheduled conference at which my presence has been requested. (Except for emergency situations, please give at least four days notice.)
- RL 7. I acknowledge receipt of a copy of the complaint and a copy of the complainant's information sheet in the above-entitled matter.

August 23, 06  
(Date)

Roselyne S. Gisors  
Roselyne S. Gisors  
SDHR Case No. 10113501

(Complainant is asked to initial each numbered space where indicated)

Complaint

SDHR Case No. [REDACTED]

Roselyne Gisors v. City Of New York, Department Of Education

of age, creed, disability, sex, national origin, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.


  
Roselyne S. Gisors

STATE OF NEW YORK )  
COUNTY OF ) SS:

Roselyne S. Gisors, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.

  
Roselyne S. Gisors

Subscribed and sworn to  
before me this 23<sup>rd</sup> day  
of August, 2006

  
Signature of Notary Public

CYNTHIA E. MENDONCA  
Notary Public, State of New York  
Qualified in Kings Co. No. 01ME3007162  
Commission Expires Dec. 20, 2009

# EXHIBIT 14



Edward Fagan <faganlaw@gmail.com>

**Teachers4Action et al v Bloomberg et al 08-cv-548 (VM)(AJP)**

To: faganlaw@gmail.com

Thu, Aug 21, 2008 at 7:30 PM

Ed,

I never filed with eeoc because when I discussed it with the union rep, Clauss Borneman as well as my NYSUT attorney, Jennifer Coffey, I was told that I would be wasting my time and not to bother. I was told that it would only complicate things for my 3020A hearing therefore, I let it go.

Joann

*Hart, Joanne*

# EXHIBIT 15

August 21, 2008

Ed. Fagan

Get Yours sincerely,

*Hinesfraz,  
Hrnu/fv*

With reference to your request for Communication and Information staff at Title VII with the EEOC, (Demand for discrimination, harassment, persecution, etc.).

Let me make the following clarifications:

1. I have submitted my complaint personally and in writing before the Human Rights since the year of 1,999 to date and do **NOT** **HAVE** achieved a **satisfactory response and positive**.

[REDACTED]

2. They **never** conducted a thorough investigation and detailed about my request to the violation of my rights as a citizen and master "Continuous persecution, discrimination, harassment, etc..."

# EXHIBIT 16



# EXHIBIT 17

OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 26<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
ACTING DIRECTOR  
NEW YORK OFFICE

February 26, 2008

Ms. Jane Levine  
[REDACTED]  
[REDACTED]

Re: Case No. [REDACTED]  
New York City Department of Education

Dear Ms. Levine:

On February 26, 2008, the U. S. Department of Education, New York Office for Civil Rights (OCR) received your correspondences. It has been assigned case number [REDACTED]

Enclosed is important information about OCR's complaint evaluation and resolution process. In addition, we enclosed a Privacy Act form for your signature.

If you have any questions, please contact me at (646) 428-3800.

Very truly yours,

  
Diane S. Diggs

Encl.

**CONSENT FORM**  
**FOR USES**  
**OF PERSONAL INFORMATION**  
**FOR COMPLAINANT**

I have read the Notice about Investigatory Uses of Personal Information by the Office for Civil Rights. As a complainant, I understand that in the course of its investigation, the Office for Civil Rights may find it necessary to reveal my identity to persons at the institution under investigation. I give my consent. I am also aware of the obligations of the Office for Civil Rights to honor requests under the FOIA and understand it may require the disclosure of my identity and other information gathered by the Office for Civil Rights.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)

Date: 2/25/2008 8:18:10 P.M. Eastern Standard Time  
From: ocr\_complaint@ed.gov  
To: [REDACTED] OCR.NewYork@ed.gov

PLEASE DO NOT REPLY TO THIS E-MAIL. THIS E-MAIL ADDRESS IS USED BY DEPARTMENT OF EDUCATION AUTOMATED SYSTEMS AND IS NOT MONITORED.

Your complaint with the Office for Civil Rights, a copy of which is reproduced below, has been automatically forwarded to the following office for review:

Office for Civil Rights/ED  
New York Office

2 Old Slip, 26th Floor

New York, NY, 10005-2500

So that we can best assist you, we call your attention to the following:

If you need to communicate with OCR regarding your complaint before you are contacted directly, please do not reply to this message, which would result in your reply going to a send-only server address. Instead, please direct your correspondence to the above office at OCR.NewYork@ed.gov.

If you need to modify or supplement your complaint, please do not use the complaint form to submit another complaint with the new information. Instead, you may simply send an email to the office that has your complaint. Filing duplicative complaints may impede our ability to review your concerns in a timely manner. (If you have a separate complaint involving other matters, you may of course use this form to submit it.)

Remember that before OCR can process your complaint it must receive at the above address a signed copy of the Office for Civil Rights Consent Form, which you can obtain at <http://www.ed.gov/about/offices/list/ocr/edlite-consentform.html>.

It is recommended that you print a copy of this message and retain it for your records.

The following information has been sent to the specified office:

## OCR COMPLAINT FORM

Enter information about you.

Your First Name: Jane Your Last Name: Levine

Your Address: [REDACTED]

City: [REDACTED]

State: [REDACTED] Zip Code: [REDACTED]

Best Time to Call You: EVENING Primary Phone No: [REDACTED]

Alternative Phone No: [REDACTED]

Your Email Address: [REDACTED]

Who else can we call if we cannot reach you?

Contact's Name: [REDACTED]

Daytime Phone No: [REDACTED]

Relationship to you: Husband

Who was discriminated against?

Jane Levine

What institution discriminated?

Institution Name: HS of Fashion Industries

Address: 225 West 24th Street

City: New York

State: NY

Zip Code: 10011

School or department involved: HS of Fashion Industries

Have you tried to resolve the complaint through another agency?

Yes

Agency Name: NYC Department of Education

Date Filed: 06/15/2006 (mm/dd/yyyy)

Status: Pending

Second appeal was filed on June 27, 2006

Describe the discrimination

CR enforces regulations that prohibit discrimination based on race, sex, and age.

Which, if any, laws apply?

je

taliation  
 ou filed a complaint or asserted your rights

Why you believe the discrimination was because of race, sex, disability, or whatever basis you indicated above or  
 Why you believe the action was retaliatory.

Jane Levine the complainant, have been employed by the New York City Department of Education for 23 years. I was given a "Satisfactory" yearly rating for 21 years. When my former school, Seward Park High School, 350 Grand St, N.Y. N. Y. 10002 was scheduled to close, I transferred from Seward Park High School using the Seniority Transfer system. Staff members were given a transfer based on highest seniority.

In 2005, I had an exemplary record of Employment with the Department of Education. In my first meeting with her new Assistant Principal, Darryl Blank, I was discouraged from transferring to the High School of Fashion Industries. This meeting was in June 2005. Mr. Blank insisted on observing I at my former school; this was highly unusual for a Seniority transfer. Later, I learned that my new supervisor spoke unfavorably about me to staff at Fashion Industries High School. His comments were offensive and caused humiliation. Subsequently, I learned that my supervisor, Darryl Blank and my principal, Hilda Nieto, were strongly against the Seniority system and had campaigned against it in a hotly contested United Federation of Teachers (UFT) election in the School year 2005-2006. I learned about this from Jack Sanchez, who is a Social Studies teacher and who is currently the Chapter Leader. I learned that the Assistant Principal wanted to give the Social Studies teaching position to a much younger and lower-salaried individual. Since I have been sent to the reassignment center and have been relieved of my teaching assignment, my teaching position has been given to a young teacher just out of school. This is age discrimination.

I am a tenured teacher with over 23 years experience. I was relentlessly conferenced, pre-observed, observed, and post-observed. It was necessary to observe me once a year, not all these additional times. I can supply proof of this form of harassment when requested. I was treated this way because of my age. The majority of the Social Studies Department was under 35 years. The teachers hired by the Assistant Principal for full-time positions were under the age of 35. Mr. Blank was against seniority and discriminated against me because of my age. I was the most observed person in the school for someone with my years of teaching experience. Documentation showing all dates of meetings, observations, disciplinary actions can be produced.

The UFT contract for this time period show that I was discriminated against because I was denied the opportunity to be observed by a fellow teacher (p.52-53 of the UFT Contract). This lack of respect established my Assistant Principal's relentless harassment because he did not want an older person in the Social Studies Department from the beginning. During the 2005-6 and 2006-7 school years, he did not support me and only looked to write me up negatively in order to discriminate against me. My Assistant Principal asked me, at least on two occasions, inappropriately in a hostile and angry manner why I came to work at the school. His eventual goal was to bring me on disciplinary charges and to have me fired. The contract was violated when 3020A proceedings were brought against me. I will produce the pertinent pages from the contract (UFT) for this time period to support my statements that I was discriminated due to my age, disability and retaliation at the High School of Fashion Industries. I was charged with being incompetent, insubordinate, ineffective, and causing a security breach. When requested, I will produce the formal 3020A charges and which show all the charges and specifications. During this time I worked with support staff in the classroom, these people stated that I was being treated unfairly. It was apparent to many people in the school that I was being abused because I was unwanted.

Dates of Discrimination Based on Age

1 observations and counseling memos took place over the 2005-2006 School Year.

(2006-2007):

Sept. 6, 13, 20

Oct. 26, 30,

Nov. 6, 28

May 5,

June 1, 4, 8

January 2007-June 2007 (Professional Development Meetings)

The purpose of these excessive observations was to retaliate against me for transferring to the school. I was intimidated by this hostile treatment. I endured stomach problems (did not have pre-existing condition), migraine headaches which were disabling, necessitating a MRI, and skin peeling back to the bone (producing pain, and visit to the dermatologist). These conditions were stress related. I told my supervisor that his treatment was stress and symptom inducing; the discrimination and retaliation did not stop.

Retaliation: I filed appeals for my two "Unsatisfactory" ratings for the years 2005-2006 and 2006-2007. One appeal was filed on June 15, 2006, and the other was filed on June 27, 2007 with the New York City Office of Appeals and Review. I filed these appeals as with the UFT. To date I have not received a formal response on the level after the Building level. Also, I received a letter from the UFT, which sent me a letter, dated March 30, 2007, which said the UFT would pursue a "Special Complaint" on my behalf. The UFT found sufficient substance in the information provided by me that would allow the Union to file a "Special Complaint." I can produce a copy of this letter.

Retaliation: I was relieved of my official teaching duties and sent to the Teacher Reassignment Center, August 30, 2007 on 333 7th Avenue in New York City. I was punished by not being allowed to perform my classroom teaching responsibilities. I was being penalized with loss of income from working coverages and per session activities. This has reduced my pensionable earnings.

Retaliation: On March 22, 2007, I was charged with a security breach for "bringing an unauthorized visitor" into the school. This was trumped up. I was the only person charged with breach of security. The Assistant Principal, Mr. Raschilla, and the security agents were not charged at all. Raschilla, who took the visitor, A UFT reporter in the elevator to the Principal's office was not charged. The Security person was not charged. I alone was charged and formally written up. This was part of my 3020A charges. This was discrimination in an attempt to get me out of the school (seniority, with accompanying high pay) and retaliation.

Retaliation: I entered into the Peer Intervention Program September 13, 2006 because I did not want to receive a bad U rating.

Retaliation: Mr. Blank the Assistant Principal Sept. 20, 2006 refused to accept Mr. Peter Lehrer as a legitimate person capable of giving me assistance. Mr. Lehrer was a qualified, trained Peer Intervener selected to work with teachers in the Peer Intervention. Mr. Blank ignored Mr. Lehrer's and my work in the program.

Retaliation: U observations for the school year because I was working with Mr. Lehrer, who I trusted.

Disability: During this time period I had major dental surgeries and a stress fracture of the foot. I produced medical notes for these absences. But, I have been charged with excessive absences as a way of firing me. In all the previous years, I had an excellent record of attendance. The school was aware of my legitimate health issues. In the period between April 16 and May 2007 there were 2 deaths in my immediate family and I was absent due to this. Documentation for the 2 deaths can be produced. The principal was personally made aware of my unfortunate family situation as well as being kept personally aware of my medical conditions. Instead of trying to work with me, I was retaliated against for disability by being made to come to the Principal's office for a pre-observation the very first day I came back to school, when I could finally walk and have a pain-free mouth. This was stressful, traumatic, and showed an enormous lack of respect for me.

On November 30, 2007, I was formally served with 3020A charges. I have the charges. The purpose of these charges is to find to either make me pay a high fine or to terminate me. I have suffered professionally, financially, emotionally, and healthwise.

Your complaint must be filed within 180 days of the discriminatory action

Enter the date: 11/30/2007 (mm/dd/yyyy)

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred before the filing of this complaint?

Yes

What would you like the institution to do as a result of your complaint - what results do you want?

I would like to have the 3020A charges dismissed. I would like to get my 2 Unsatisfactory ratings removed. I want my name and professional reputation to be restored to their former state. I want my name taken off the Ineligible List.

Do you have written information that you think will help us understand your complaint?

Yes





UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD STIP, 26TH FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
ACTING DIRECTOR  
NEW YORK OFFICE

March 6, 2008

Jane Levine  
[REDACTED]  
[REDACTED]

Re: Case No. [REDACTED]  
New York City Department of Education  
[REDACTED]

Dear Ms. Levine:

On February 26, 2008, the U.S. Department of Education, New York Office for Civil Rights (OCR) received the above-referenced complaint you filed against the New York City Department of Education (NYCDOE). You alleged that the NYCDOE discriminated against you in your employment on the bases of your age and disability and subjected you to retaliation. You provided additional information regarding your complaint in a telephone conversation with OCR staff on February 29, 2008.

With respect to your allegation of age discrimination and the related allegation of retaliation, please be advised that OCR does not have jurisdiction over employment complaints under the Age Discrimination Act. Your allegations have been referred to the Equal Employment Opportunity Commission (EEOC) at the following address:

Spencer H. Lewis, Jr.  
District Director  
Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
[REDACTED]

This referral concludes OCR's consideration of your allegations of age discrimination and retaliation. OCR has closed these allegations as of the date of this letter. A representative of the EEOC will contact you concerning the processing of these allegations. If you have further questions regarding these allegations, please contact the EEOC at (212) 336-3620 or (800) 669-4000.

With respect to your allegation of disability discrimination, OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504). Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance from the U.S. Department of Education. OCR also has been designated to

The EEOC is responsible for enforcing Title I of the ADA, which prohibits discrimination on the basis of disability by private employers and state and local governments.

You may elect to have the EEOC or OCR retain jurisdiction over your allegation of discrimination based on disability. You must notify OCR in writing within ten days of the date of this letter if you elect to have OCR retain jurisdiction over your allegation. If OCR does not receive your written notification of your election to have OCR retain jurisdiction over your allegation within twenty days of the date of this letter, OCR will assume that you have elected to have the EEOC retain jurisdiction over your allegation of disability discrimination.

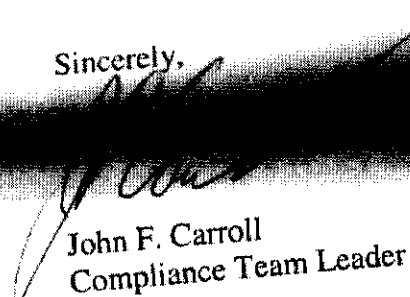
Before making your election, please read the information sheets describing the jurisdiction of the EEOC, handles your allegation of disability discrimination, and the EEOC, handles your allegation of disability discrimination, that if this allegation is handled by OCR and not the EEOC, your complaint will be filed under Title I. This may result in the loss of certain rights and remedies available in a lawsuit in a Federal Court concerning this complaint.

Please be advised that you may be entitled to file a private suit pursuant to Section 204 of the ADA regardless of whether or not OCR accepts your complaint for investigation.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personal information that if released could constitute an unwarranted invasion of privacy.

If you have any questions, please contact Emma Kim, Compliance Team Attorney, at (646) 428-3824, or [emma.kim@ed.gov](mailto:emma.kim@ed.gov).

Sincerely,

  
John F. Carroll  
Compliance Team Leader

Encl.

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
32 OLD SLIP, 7<sup>th</sup> FLOOR  
NEW YORK, NEW YORK 10005

TIMOTHY C. J. BLANCHARD  
ACTING DIRECTOR  
NEW YORK OFFICE

March 27, 2008

Jane Levine  
[REDACTED]

Re: Case No. [REDACTED]  
New York City Department of Education

Dear Ms. Levine:

The U.S. Department of Education, New York Office for Civil Rights (OCR) previously advised you of its receipt of the above-referenced complaint you filed against the New York City Department of Education (NYCDOE), in which you alleged that the NYCDOE discriminated against you in your employment on the basis of your disability.

As you were informed in a letter dated March 6, 2008, OCR has jurisdiction over allegations of discrimination in employment on the basis of disability under Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (the ADA). OCR advised you that the Equal Employment Opportunity Commission (EEOC) also has jurisdiction over allegations of discrimination in employment under Title I of the ADA. In addition, OCR informed you that you could elect to have the EEOC or OCR retain jurisdiction over your allegation, and if you wished to have OCR retain jurisdiction, you were required to do so in writing by March 26, 2008.

OCR did not receive notice from you that you wished to have it retain jurisdiction over your allegation of disability discrimination. Accordingly, this allegation has been referred to the EEOC at the address set forth below:

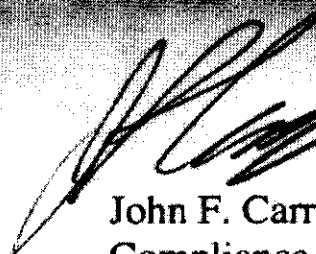
Spencer H. Lewis, Jr.  
District Director  
Equal Employment Opportunity Commission  
New York District Office  
33 Whitehall Street, 5<sup>th</sup> Floor  
New York, New York 10004-2112

the date of this letter. A representative of the EEOC will contact you concerning the processing of this allegation.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this document and related correspondence and records upon request. In the event that EEOC receives such a request, it will seek to protect, to the extent provided by law, personal information that if released could constitute an unwarranted invasion of privacy.

If you have further questions, please contact the EEOC at (212) 336-3620 or (800) 669-0000.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Carroll", written over a horizontal line.

John F. Carroll  
Compliance Team Leader

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**THIS ACKNOWLEDGES THAT THE COMPLAINT OF  
JANE LEVINE  
HAS BEEN SUBMITTED TO THE:**

**New York Office**

U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, NY 10005-2500

**Phone:** 646-428-3900 **Fax:** 646-428-3843  
**TDD:** 877-521-2172 **Email:** OCR.NewYork@ed.gov

efore OCR can process your complaint it must receive at the above address a  
igned copy of the Office for Civil Rights Consent Form.

# EXHIBIT 18

**From:** [REDACTED]  
**Subject:** Re: NYSDHR & Politio  
**Date:** August 22, 2008 11:55:13 AM EDT  
**To:** "E. Fagan" <faganlaw.teachers@gmail.com>

ॐ

Again, thanks for the quick response.

I spoke to Ortiz at NYSDHR and my complaint # is: 10127641  
She should have papers to me this afternoon, she says.

Julianne

Polito,  
Juliane

# EXHIBIT 19





Edward Fagan <faganlaw@gmail.com>

**Teachers4Action et al v Bloomberg et al 08-cv-548 (VM)(AJP)**

Sat, Aug 16, 2008 at 2:20 PM

To: faganlaw@gmail.com

Re: Alena Radtke-Gabriel

I filed a human right suit also. M. Leona James, Human Rights Specialist, II, Division of Human Rights told me to keep her informed as to what was happening in the case you are representing me in.

She may be reached at State Of New York Executive Department, 163 W. 125th St., NY, NY 10027

(212)961-8650

(212)961-8988

fax(212)961-4425

email: [james@dnr.state.ny.us](mailto:james@dnr.state.ny.us)

*Radtke Gabriel,  
Alena*

# EXHIBIT 20

From: [REDACTED]  
Subject: [REDACTED]  
Date: August 22, 2008 2:47:11 PM EDT  
To: Faganlaw@gmail.com

To Whom It May Concern,

The reason why I didn't file a formal grievance is because I was told as was Brandi Scheiner, Joy Hodstadt, Joann Hart, Jane Levine and Gilda Teel that the NYSED lawyers said that there would be no need to file a grievance with a NYSUT lawyers or the NYS Division of Human Rights because it would not be honored anyway. This is what was said to Teachers in 333 7th Avenue Reassignment Center

Sincerely,  
Thomasina Robinson  
[REDACTED]

# EXHIBIT 21

**Teachers4Action et al v Bloomberg et al 08-cv-548 (VM)(AJP)**

Thu, Aug 21, 2008 at 12:00 AM

To: faganlaw@gmail.com

Dear Ed,

I was told last year by my NYSUT lawyer not to bother wasting my time filing a complaint with EEOC. As well, I was told that it wasn't even possible in my case to file an appeal...?? Just telling you what I was told by my lawyer. Anyway, I filed a complaint online with EEOC. Here is a formal copy of my complaint. If you need anything further, please let me know. Thanks.

Denise

*Russo, Denise*

U.S. Equal Employment Opportunity Commission

EAS

[SIGN OUT](#) | [QUESTIONNAIRE HOME](#)[EAS](#) | [eeoc.gov](#) | [PRIVACY](#)**EAS Questionnaire**

Last Name: Russo

MI: M

First Name: Denise

Street or Mailing Address line1: [REDACTED]

Street or Mailing Address line2: [REDACTED]

City: [REDACTED]

County: [REDACTED]

State/Territory: NY

Zip: [REDACTED] Country: USA

Phone Numbers (please enter at least one daytime number):

Home: [REDACTED]

and/or

Work: ext.

and/or

Cell: [REDACTED]

Email Address: [REDACTED]

Date of Birth (format MM-DD-YYYY, example: 11-22-1955): 11-12-1960 (Your date of birth is only required if a basis was Age related.)

Sex:

M • F

Do You Have a Disability?

• Yes • No

Are you Hispanic or Latino?

Yes • No

What is your Race? Please choose all that apply:  
American Indian or Alaska Native Asian Black or African American Native Hawaiian or Other  
Pacific Islander ☒ White  
What is your National Origin? American

Provide the Name of a Person We Can Contact if We Are Unable to Reach You:

**Last Name:** [REDACTED]  
**First Name:** [REDACTED]  
**Relationship:** [REDACTED]  
**Address Line 1:** [REDACTED]  
**Address Line 2:** [REDACTED]  
**City:** [REDACTED]  
**State:** NY  
**Zip:** [REDACTED]  
**Country:** USA

Contact Number of the Person (please enter at least one daytime number):

**Home Phone:** [REDACTED]  
and/or  
**Other Phone:** [REDACTED]

I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer    ☐ Union    ☐ Employment Agency    ☐ Other(Please Specify)

**Organization #1 Name:** PS 239  
**Street or Mailing Address line1:** 1715 Weirfield Street  
**Street or Mailing Address line2:**  
**City:** Ridgewood  
**State:** NY  
**Zip:** 11385  
**Phone:** 718-381-4009  
**Type of Business:** NYC Dept of Education  
**HQ Location if different from Org. Address:** 65 Court Street Brooklyn New York 11201  
**Human Resources Director or Owner Name:**  
**Phone:** 718-935-4000  
**Number of Employees in the Organization at All Locations: (Please Check One)**

- Less Than 15  
15 - 100  
101 - 200  
201- 500  
• More Than 500

**Organization #2 Name:**  
**Street or Mailing Address line1:** United Federation of Teachers  
**Street or Mailing Address line2:** 52 Broadway  
**City:** New York  
**State:** NY  
**Zip:** 10004  
**County:** Manhattan    **Phone:** 212-598-6800  
**Type of Business:** Teacher's Union  
**HQ Location if different from Org. Address:**  
**Human Resources Director or Owner Name:** Randi Weingarten

Number of Employees in the Organization at All Locations: **(Please Check One)**

- Less Than 15
- 15 - 100
- 101 - 200
- 201- 500
- More Than 500

**Your Employment Data (Complete as many items as you can)**

Date Hired: 11-01-2000  
Job Title At Hire: Teacher  
Pay Rate When Hired: 31,000  
Last or Current Pay Rate: 58,000 annual  
Job Title at Time of Alleged Discrimination: Classroom Teacher  
Name and Title of Immediate Supervisor: Robin Connolly  
If Applicant, Date You Applied for Job:  
Job Title Applied For:

**What is the reason (basis) for your claim of employment discrimination?**

FOR EXAMPLE, if you are over the age of 40 and feel you were treated worse than younger employees or you have other evidence of discrimination, you should check AGE. If you feel that you were treated worse than those not of your race or you have other evidence of discrimination, you should check RACE. If you feel the adverse treatment was due to multiple reasons, such as your sex, religion and national origin, you should check all three. If you complained about discrimination, participated in someone else's complaint or if you filed a charge of discrimination and a negative action was threatened or taken, you should check RETALIATION.

Race      Sex      ☒ Age      ☒ Disability      National Origin      Color      Religion      ☒ Retaliation

Pregnancy

Other reason (basis) for discrimination (Explain).

What happened to you that you believe was discriminatory? Include the date(s) of harm, action(s) and include the name(s) and title(s) of the persons who you believe discriminated against you. (Example: 10/02/06 - Written

Warning from Supervisor, Mr. John Soto)

A) Date of Harm (fmt MM-DD-YYYY, ex:11-22-1955 ): 10-12-2007

Name and Title of Person(s) Responsible: NYC Dept of Education & Principal of PS 239 Robin Connolly  
Action: (up to 300 characters)

I believe that I have been discriminated against because of my age (47). I believe the NYC Dept of Education (including Mayor Bloomberg and Chancellor Joel Klein) have sought to get rid of the highest paid, tenured teachers in public schools for financial reasons and to do away with tenure.

B) Date (fmt MM-DD-YYYY, ex:11-22-1955 ): 04-30-2005

Name and Title of Person(s) Responsible: Robin L. Connolly  
Action: (up to 300 characters)

I tried to report a school aide for corporal punishment and had my students write statements in regards to incident. Principal Robin Connolly threatened to have me investigated for doing so. The alleged school aide was a good friend of hers.

Describe any other actions you believe were discriminatory. (up to 2000 characters)

I showed up for a meeting late one morning because I fell and injured myself during my travel to work. Upon my arrival Principal Connolly asked me if I was prepared to which I replied, "No, because I fell and got hurt on my way into work." Her response to this was, "Ms. Russo, from now on make sure that you are on time for meetings and prepared." I immediately contacted my UFT chapter leader Karen Simmons and called a meeting with Mrs.

Connolly in regards to her harrassing a intimidation and humiliation in front of my colleagues. I believe that I am entitled to be treated with dignity and respect.

What reason(s) were given to you for the acts you consider discriminatory? By whom? Title?(up to 2000 characters)

Mrs. Connolly told me that she behaved callously toward me at the meeting (reported above) because teachers had been frequently showing up late to previous meetings. She also reported that she was upset with me because I didn't bring a book to the meeting the week before, even though I had already reported to her that I had read the whole book and was more than happy to participate at the meeting. I was dealing with a person who dealt with me very disrespectfully and unprofessionally.

Name and describe others who were in the same situation as you. Explain any similar or different treatment. Who was treated worse, who was treated better, and who was treated the same? Provide race, sex, age, national origin, religion, and/or disability status of comparator if known and if connected with your claim of discrimination.

Full Name	Job Title	Description
1. Linda Seiffert	Teacher	Was constantly harrassed and intimidated due to age discrimination and disability(also over age 40).
2. Jonathan Berlyne	Teacher	Was also brought up on trumped up charges due to age discrimination.(Over 40)
3. Rosa	Teacher	Was harrassed and threatened because she had to have surgery on her foot.Rosa was also over 40.

Answer this section only if you are claiming discrimination based on disability. If not, skip to the next section.

Please check all that apply: ☐ Yes, I have an actual disability

☐ I have had an actual disability in the past

☐ No disability but the organization treats me as if I am disabled

If you are alleging discrimination because of your disability, what is the name of the disability? How does your disability affect your daily life or work activities, e.g., what does your disability prevent or limit you from doing, if anything? (Example: lifting, sleeping normally, breathing normally, pulling, walking, climbing, caring for yourself, working, etc.). (up to 2000 characters)

Depression/Anxiety/Panic Attacks- Affects ability to sleep at night. Suffer from lethargy during the day, hopelessness, sometimes have suicidal thoughts, isolation (inability to be around others) due to extreme emotional pain and inability to handle stress. This disability was brought on by job related stress due to harrassment by my supervisor (Robin Connolly) and punitive actions taken by the NYC Department of Education against me.

Did you ask your employer for any assistance or change in working condition because of your disability?

• Yes      No

Did you need this assistance or change in working condition in order to do your job?

• Yes      No

If "YES", when? June 2006

To whom did you make the request? Provide full name of person. Robin Connolly

How did you ask (verbally or in writing)?

Verbally

Describe the assistance or change in working condition requested: (up to 1500 characters)

I wasn't given any compassion or help from Mrs. Connolly. I was only asked if my condition was medically documented, to which I replied, "Yes." I was then asked by Mrs. Connolly if my medical documents stated that I had to be late or absent so often. I tried to explain that the effects of the depression were debilitating. I told her that the punitive actions that were taken against me were destroying my emotional and mental health. I was not given any compassion or any help, only more harrassment and threats for further disciplinary action. I never had a problem with lateness or attendance before and my supervisor knew it, yet she continued with her harrassment and intimidation and threats despite having documented proof as to my mental and emotional vulnerabilities and suffering.



End of the "discrimination based on disability" section.

Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and indicate what they will say.

Name	Job Title	Address & Phone Number
A. Helena Tarasow	Guidance Counselor	516-581-8088
B. Paul Cohen	Therapist	917-576-9388
C. Eric Stoerzer	Retired Engineer	718-366-0456

Have you filed a charge previously in this matter with EEOC or another agency?

Yes      • No

If you have filed a complaint with another agency, provide name of agency and date of filing:

Have you sought help about this situation from a union, an attorney, or any other source?

• Yes      No - If yes, from whom and when? Provide name of organization, name of person you spoke with and date of contact. Results, if any? (up to 500 characters)  
 Attorney- Edward Fagan. We are currently involved in a civil action against the NYC Dept of Education as well as a State action. Mr Fagan has been my attorney since March of this year.

Thank you for visiting our website.

If you would like to comment on your experiences in using this tool, you may contact us at: [info@eeoc.gov](mailto:info@eeoc.gov)

For technical problems with this website, please contact: [eas.techsupport@eeoc.gov](mailto:eas.techsupport@eeoc.gov)

-----Original Message-----

From: Edward Fagan <[faganlaw@gmail.com](mailto:faganlaw@gmail.com)>

To: [faganlaw.teachers@gmail.com](mailto:faganlaw.teachers@gmail.com)

Sent: Tue, 19 Aug 2008 9:41 pm

Subject: Teachers4Action et al v Bloomberg et al 08-cv-548 (VM)(AJP)

[Quoted text hidden]

[Quoted text hidden]

# EXHIBIT 22



Edward Fagan <faganlaw@gmail.com>

## Emergency Update

*Santucci, Paul*

To: faganlaw@gmail.com

Thu, Aug 21, 2008 at 9:38 PM

From Paul Santucci I filed two grievances in May of 2005 for unsafe conditions , administrative malfeasance, favoritism, retaliation and unfair treatment. The second of the greivances dealt with specific incidents relating to the sexual scandals that were rampant in the school at the time. These incidents led to my calling the Daily News to provide additional info concerning the knowledge of and subsequent cover up of the scandals. The UFT ignored the grievances at Step II thereby preventing any exposure by moving oin to Step III, The Chancellor's Office. These greivances have been conveniently ignored at all levels of the grievance system. I hope this is the info that satisfies Judge Peck.

# EXHIBIT 23

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DISMISSAL AND NOTICE OF RIGHTS**To: **Jennifer Saunders**  
[REDACTED]From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**☐On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**16G-2005-02168****Holly M. Woodyard,**  
**Investigator****(212) 336-3643****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☐

Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **back pay for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**Spencer H. Lewis, Jr.,**  
**Director****4/2/07**

(Date Mailed)

Enclosures(s)

cc: **City of New York, Dept. of Education**  
**52 Chambers Street, Room 308**  
**New York, NY 10007**  
**Attn: Human Resource Director**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

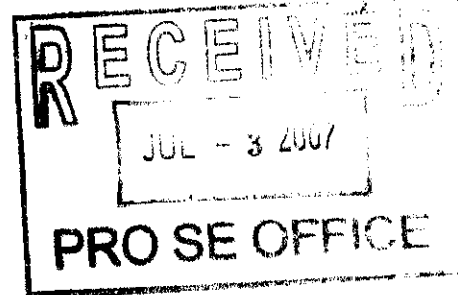
JENNIFER SAUNDERS

COMPLAINT

NAME OF PLAINTIFF(S)

N.Y.C.  
DEPT. OF ~~EDUCATION~~  
EDUCATION

NAME OF DEFENDANT(S)



This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

**NOTE:** *In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

**NOTE:** *In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.*

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the Civil Rights Act of 1991, Pub. L. No. 102-166).

**NOTE:** *In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.*

Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

[REDACTED]  
 Street Address

[REDACTED] [REDACTED]  
 County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

65 COURT ST.  
 Street Address

KINGS BROOKLYN NJ 11242  
 County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

SAME-AS-ABOVE  
 Street Address

County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes (check only those that apply).

☐ Failure to hire.

☐ Termination of my employment.

☐ Failure to promote.

☐ Failure to accommodate my disability.

☒ Unequal terms and conditions of my employment.

☒ Retaliation

☐ Other acts (specify): \_\_\_\_\_.

*NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*

5. It is my best recollection that the alleged discriminatory acts occurred on:

3.10.05 - 9/5/04.  
Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.

☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:  
(check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged)

☒ race \_\_\_\_\_ ☐ color \_\_\_\_\_

☒ gender/sex \_\_\_\_\_ ☐ religion \_\_\_\_\_

☐ national origin \_\_\_\_\_

☒ age \_\_\_\_\_ My date of birth is: [REDACTED]  
Date

☐ disability \_\_\_\_\_

*NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.*



8. The facts of my case are as follows:

*SEE ATTACHED LETTER*

(Attach additional sheets as necessary)

**Note:** As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's

alleged discriminatory conduct on: 3.12.05  
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct on: N/A  
Date

**Only litigants alleging age discrimination must answer Question #11.**

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one),

\_\_\_\_\_ 60 days or more have elapsed.

\_\_\_\_\_ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (check one):

\_\_\_\_\_ has not issued a Right to Sue letter.

✓ \_\_\_\_\_ has issued a Right to Sue letter, which I  
received on 4/5/07.  
Date

**NOTE:** Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, costs, and attorney's fees.

Dated: \_\_\_\_\_

7/03/07

Jennifer Saunders  
PLAINTIFF'S SIGNATURE

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number

U.S. Department of Justice  
United States Marshals Service

# PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF JENNIFER SAUNDERS	COURT CASE NUMBER 07-2725 (SJF)(LB)
DEFENDANT NYC DEPARTMENT OF EDUCATION	TYPE OF PROCESS O, S, and C

**SERVE AT** NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
 NYC DEPARTMENT OF EDUCATION  
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
 52 CHAMBERS STREET, NEW YORK, NY 10007

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

PRO SE, JENNIFER SAUNDERS

Number of process to be served with this Form 285

3

Number of parties to be served in this case

1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Signature of Attorney other Originator requesting service on behalf of:

S. GALEANO

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

718-613-2610

DATE

11/20/07

## SPACE BELOW FOR USE OF U.S. MARSHAL ONLY— DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. 53	District to Serve No. 53	Signature of Authorized USMS Deputy or Clerk Mrs Neilson	Date 11/26/07
---	---------------	------------------------------	-----------------------------	---	------------------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date  
11/2/08

Time  
☐ am  
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges 800	Advance Deposits	Amount owed to U.S. Marshal (Amount of Refund) \$0.00
-------------	---	----------------	----------------------	------------------	--

REMARKS:

Sent out by mail dated 11/26/07 Responded by mail dated 1/2/08

PRINT 5 COPIES

1. CLERK OF THE COURT

2. USMS RECORD

3. NOTICE OF SERVICE

4. BILLING STATEMENT\*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.

5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Form USM-285  
Rev 12/15/80  
Automated 01/00

# EXHIBIT 24

From: j [REDACTED]  
Subject: A [REDACTED]  
Date: August 22, 2008 2:47:11 PM EDT  
To: Faganlaw@gmail.com

To Whom It May Concern,

The reason why I didn't file a formal grievance is because I was told as was Brandi Scheiner, Joy Hodstadt, Joann Hart, Jane Levine and Gilda Teel that the NYSED lawyers said that there would be no need to file a grievance with a NYSUT lawyers or the NYS Division of Human Rights because it would not be honored anyway. This is what was said to Teachers in 333 7th Avenue Reassignment Center

Sincerely,  
Thomasina Robinson

# EXHIBIT 25

# EXHIBIT 26

# EXHIBIT 27



From: J [REDACTED]  
Subject: A [REDACTED]  
Date: August 22, 2008 2:47:11 PM EDT  
To: Faganlaw@gmail.com

To Whom It May Concern,

The reason why I didn't file a formal grievance is because I was told as was Brandi Scheiner, Joy Hodstadt, Joann Hart, Jane Levine and Gilda Teel that the NYSED lawyers said that there would be no need to file a grievance with a NYSUT lawyers or the NYS Division of Human Rights because it would not be honored anyway. This is what was said to Teachers in 333 7th Avenue Reassignment Center

Sincerely,  
Thomasina Robinson

# EXHIBIT 28

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

EEOC Form 750-1 (8-1-3-00)

To: Michael Westbay

From: New York District Office  
33 Whitehall Street  
5th Floor  
New York, NY 10004On behalf of person(s) whose name(s) is/are  
CONFIDENTIAL 29 CFR §1501.7(a).

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2007-02074

Holly M. Woodyard,  
Investigator

(212) 336-3643

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interview/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge
- ☐ While reasonable efforts were made to locate you, we were not able to do so
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be considered as having been raised by this charge.
- ☒ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge
- ☐ Other (briefly state):

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

2/12/08

Enclosure(s)

(Date Mailed)

Spencer H. Lewis, Jr.,  
Director

cc.

CITY OF NEW YORK, Dept. of Education  
52 Chambers Street, Room 308  
Office of Legal Services  
New York, NY 10007

EEOC Form 161 (3/98)

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**DISMISSAL AND NOTICE OF RIGHTS**

To: **Michael Westbay**  
[REDACTED]

From: **New York D  
33 Whitehall  
5th Floor  
New York, N**

☐

*On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

**16G-2007-02074**

**Holly M. Woodyard,  
Investigator**

**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REAS**

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act

☐

The Respondent employs less than the required number of employees or is not otherwise co

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the c  
charge

☐

Having been given 30 days in which to respond, you failed to provide informa  
interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible

☐

While reasonable efforts were made to locate you, we were not able to do so.

☐

You were given 30 days to accept a reasonable settlement offer that affords full relief for the

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is u  
establishes violations of the statutes. This does not certify that the respondent is in complia  
any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency

☐

Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

*(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act (ADEA):** You will receive a copy of this notice of dismissal and of your right to sue that we will send you. You may file a lawsuit based on this charge in federal or state court. Your lawsuit **must be filed within 90 days of the date of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing a lawsuit may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years of the date of the alleged EPA underpayment. This means that **backpay due for any violations that occurred before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

  
\_\_\_\_\_  
Spencer H. Lewis, Jr.,  
Director

cc:

**CITY OF NEW YORK, Dept. of Education  
52 Chambers Street, Room 308  
Office of Legal Services  
New York, NY 10007**

# Westbay Union Grievance

From:

Add to: Blog, To Do, Calendar

To:  
[BZihal@uft.org](mailto:BZihal@uft.org)

Cc:

Bcc:

Date:

Thu, 3 Apr 2008 12:52 pm

Save images to my AOL Pictures Saving images to my AOL Pictures... View images on AOL Pictures

Address is correct.

Thanks,

Michael Westbay

-----Original Message-----

From: Bruce Zihal <[BZihal@uft.org](mailto:BZihal@uft.org)>

To: [REDACTED]

Sent: Thu, 3 Apr 2008 12:32 pm

Subject: RE: Michael Westbay 2/8/08 step 1 grievance need step 2

Michael,

We sent out a letter to you last week.

Please confirm your address and we will send out another one.

The address we have for you on record is:

[REDACTED]

Phone: [REDACTED]

Thanks

**Bruce Zihal**

Special Representative

United Federation of Teachers

*Queens Office*

97-77 Queens Boulevard

Rego Park, NY 11374

718-897-7125 Fax

718-275-4400 Main

[BZihal@uft.org](mailto:BZihal@uft.org)

-----Original Message-----

**From:** [REDACTED]  
**Sent:** Thursday, April 03, 2008 10:56 AM  
**To:** Bruce Zihal  
**Subject:** Fwd: Michael Westbay 2/8/08 step 1 grievance need step 2

Hi Bruce,  
Still awaiting your letter of denial from our telephone conversation of 3/26/08. Please advise.  
Michael Westbay

-----Original Message-----  
**From:** [REDACTED]  
**To:** [Bzihal@uft.org](mailto:Bzihal@uft.org)  
**Sent:** Mon, 24 Mar 2008 9:39 pm  
**Subject:** Michael Westbay 2/8/08 step 1 grievance need step 2

Hi Bruce.  
Chapter Leader Andrea Naham advises you are contact for step 2. Please advise status?  
Thanks,  
Michael Westbay

**From:** [REDACTED] Hide  
**Add to:** Blog, To Do, Calendar  
**To:** [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
**Cc:**  
**Bcc:**  
**Date:**  
Mon, 24 Mar 2008 9:35 pm  
Save images to my AOL Pictures Saving images to my AOL Pictures... View images on AOL Pictures

Hi Andrea,  
Did you file additional grievances?  
Thanks,  
Mike

-----Original Message-----  
**From:** [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
**To:** [REDACTED]  
**Sent:** Fri, 14 Mar 2008 7:57 pm  
**Subject:** Re: Michael Westbay Additional Grievances

Dear Mike:  
My conversation with Bruce Zihal led me to believe that the union will not pursue the step 2 on the grievance Monereau just denied. He said you will receive a letter explaining your rights.  
I will go ahead with the next set of grievances. Monereau said he does not have to hear them. If he refuse to do so, after five days, the union will deem it a denial and review to determine if a step 2 is appropriate.  
-Naham

----- Original Message -----  
**From:** [REDACTED]  
**Date:** Thursday, March 13, 2008 9:26 pm  
**Subject:** Re: Michael Westbay Additional Grievances  
**To:** [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

>  
> Hi Andrea,  
>

> My Atty has no problem with filing grievances. So go ahead &  
> file. Do you know if grievances from 2/8 are going to step 2 ?  
> Thanks,  
> Mike  
>  
>

> -----Original Message-----

> From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> To: [REDACTED]  
> Sent: Thu, 13 Mar 2008 8:12 pm  
> Subject: Re: Michael Westbay Additional Grievances  
>  
>  
>  
>

> Dear Mike:

>  
> I met with Bruce from the grievance department at the Queens UFT  
> office yesterday re: your grievances. ? He suggests that if you  
> have a lawyer on the 3020a you should consult with him first  
> prior to my filing any grievance. There may be reasons that  
> he/she prefer you not file the grievance at this time. ? Please advise.  
>

> -Naham?

> ----- Original Message -----

> From: [REDACTED]  
> Date: Wednesday, March 12, 2008 6:20 pm  
> Subject: Re: Michael Westbay Additional Grievances  
> To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
>  
>

> > HI Andrea,

> >  
> > I would say that if he isn't available by 3/14 he is  
> > deliberately  
> > being obstructive and you should go ahead and file step 1.  
> > Three  
> > weeks i more than enough time for him to be available.  
> >

> > Thanks,

> > Mike  
> >  
> >

> > -----Original Message-----

> > From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > To: [REDACTED]  
> > Sent: Thu, 6 Mar 2008 9:41 pm  
> > Subject: Re: Michael Westbay Additional Grievances  
> >  
> >  
> >

> > Dear Mike:

> >  
> > The first step is a conciliation with the principal. ? I have  
> > been trying to get in to see him. ? He has been out of the  
> > building and in meetings with mock quality review etc. ? I  
> > will?  
> > keep you advised.  
> >



> > Naham

> >

> > ----- Original Message -----

> > From: [REDACTED]

> > Date: Wednesday, March 5, 2008 11:01 pm

> > Subject: Michael Westbay Additional Grievances

> > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

> >

> > > Hi Andrea,

> > > Any word on additional grievances sent to you 2/24?

> > > Thanks,

> > > Mike

> > >

> >

> >

> >

> >

**mfwcap** to Anahamuft - Feb 28More Details

From:

[REDACTED]

Add to: Blog, To Do, Calendar

To:

[Anahamuft@optonline.net](mailto:Anahamuft@optonline.net)

Cc:

Bcc:

Date:

Thu, 28 Feb 2008 10:51 pm

[Feb 8 08 Grv Decision 2 13 08 p1 .tif](#), [Feb 8 08 Grv Decision 2 13 08 p2 .jpg](#) Save images to my AOL Pictures Saving images to my AOL Pictures... View images on AOL Pictures

-----Original Message-----

From:

[REDACTED]

To: [Anahamuft@optonline.net](mailto:Anahamuft@optonline.net)

Sent: Thu, 28 Feb 2008 10:49 pm

Hi Andrea,

Received attached decision. Please note that Mr. Monereau again mis states the facts when he claims I didn't have any objection to the material when he met with Janet Rodman and I to review my job performance in June 2006. I never reviewed my personnel file. I was in the process of checking the listed documents when Mr. Monereau claimed that he didn't have time for that and I signed annual rating with Janet witnessing that documents weren't checked as part of process. Also, Mr. Monereau is at the very least being disingenuous in indicating that he would have entertained any objection to documents that he provided with annual rating. AS Mr. Monereau repeatedly said at our 2/8/08 meeting he wouldn't do anything that compromised his 3020A charges. He obviously had no interest in truth, accuracy or equity. I also want to remind you that there were no amendments to my rebuttals. There no changes to my rebuttals but rather the development of additional information which Mr. Monereau doesn't want included because they don't support his conclusions.

Please forward this memo to Borough Office with reminder that I have a pending harassment complaint finding by the UFT against Mr. Monereau June 06 (naturally city rep found for him - final resolution still pending).

Thanks,

Mike

From:

[REDACTED]

Add to: Blog, To Do, Calendar

To:

[anahamuft@optonline.net](mailto:anahamuft@optonline.net)

Cc:

Bcc:

Date:

Sun, 24 Feb 2008 8:23 pm

June 20 CM LODIs 2005.doc, June 20 CM LODIs 2005 2ND REQ JULY 3.doc,  
March 10 05 LODI form OP 198.jpg Save images to my AOL

Hi Andrea,

Still haven't recvd written notice of grievances decision. Also, have additional grievances to file:

1 Monereau never changed attendance section of 6/05 annual rating to S as he promised at my 11/02/05 U appeal hearing. I won 2 LODIs (see attached & he promised to change that section of rating-it is in transcript).

2 If he still refuses to change above rating then I want to grieve his violation of my privacy & HIPPA laws by contacting my doctors without my permission. He called my surgeon May 2006 and lied to secretary that he couldn't get in touch with me & needed a diagnosis & other information. March 2005 OP 198 indicates in his own hand writing that he tried to speak with my doctor.

3 He must remove 4/4/06 alleged witness statements from Lipka & Tacktil from my personnel file. This is what he mistakenly referred to at our 2/8/08 step 1. There was no letter for file on this incident. Their statements do not belong in my file (see attached).

4 Attached 4 grievances of 5/30/06 never received a written denial. He verbally denied them 5/30/06 but never indicated in writing.

Thanks,

Mike

-----Original Message-----

From: [REDACTED]  
To: [mfwcap@aol.com](mailto:mfwcap@aol.com)  
Sent: Fri, 1 Feb 2008 5:20 pm  
Subject: Re: Michael Westbay Personnel File

Dear Mike:

The principal has scheduled a hearing on your grievance for Friday, Feb. 8, 2008 at 8:00 a.m.  
Please contact me so that we can go over the list of exhibits you must bring. (516) 569-7061  
-Naham

----- Original Message -----

From: [REDACTED]  
Date: Sunday, January 27, 2008 8:52 pm  
Subject: Re: Michael Westbay Personnel File  
To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

>

> Thanks Andrea,

>

> How soon shud?I follow up?

> Thanks,

> Mike

>

>

> -----Original Message-----

> From: [REDACTED]

> To: [mfwcap@aol.com](mailto:mfwcap@aol.com)

> Sent: Sun, 27 Jan 2008 7:43 pm

> Subject: Re: Fwd: Michael Westbay Personnel File

>

>

>

>

> Dear Mike:

>  
> I filed it quite awhile ago, electronically. as we are required  
> to do in the computer age.? When I checked the status, they told  
> me they could not determine where it was so I am filing it again.

> Regards:

> Naham

> ----- Original Message -----

> From: [REDACTED]  
> Date: Wednesday, January 23, 2008 10:54 am  
> Subject: Fwd: Michael Westbay Personnel File  
> To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

>  
> > Hi Andrea,  
> > Hope all is well. I'm fine?What is status of grievance?  
> > Thanks,  
> > Mike

> > -----Original Message-----

> > From: [REDACTED]  
> > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > Sent: Tue, 30 Oct 2007 9:54 pm  
> > Subject: Re: Michael Westbay Personnel File

> > 131 40 8333. Also, cud you please have payroll secretary mail  
> > me

> > a major med enrollment form for GHI CHB.? Have left several  
> > telephone messages but haven't received

> > Thanks,

> > Mike

> > -----Original Message-----

> > From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > To: [REDACTED]  
> > Sent: Tue, 30 Oct 2007 9:31 pm  
> > Subject: Re: Fwd: Michael Westbay Personnel File

> > Dear Mike:

> >  
> > The grievance must be filed by me on line.? They are  
> > requesting  
> > your social security # in order for me to file the grievance.?  
> > Please reply.

> > ---Naham

> > ----- Original Message -----

> > From: [REDACTED]  
> > Date: Tuesday, October 23, 2007 9:12 pm  
> > Subject: Fwd: Michael Westbay Personnel File

> > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

> >

> > >

> > >

> > >

> > > -----Original Message-----

> > > From: [REDACTED]

> > > To: [REDACTED]

> > > Sent: Tue, 23 Oct 2007 9:09 pm

> > > Subject: Re: Michael Westbay Personnel File

> > >

> > >

> > >

> > > Hi Andrea,

> > >

> > > Go ahead? with grievance. Hope all is well.

> > >

> > > Thanks,

> > > Mike

> > >

> > >

> > >

> > >

> > > -----Original Message-----

> > > From: [REDACTED]

> > > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

> > > Sent: Thu, 27 Sep 2007 3:37 pm

> > > Subject: Re: Michael Westbay Personnel File

> > >

> > >

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> > >

> > >

> > > Still haven't received CAR. Am copying to Gary Rabinowitz

> > >

> > >

> > > Will proceed with grievance once I hear from him. No hearing date

> > >

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> > >  
> > > Regards-  
> > >  
> > > Naham  
> > >  
> > > ----- Original Message -----  
> > > From: [REDACTED]  
> > > Date: Monday, September 10, 2007 10:09 pm  
> > > Subject: Re: Michael Westbay Personnel File  
> > > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > >  
> > > >  
> > > > Hi Andrea,  
> > > >  
> > > > I haven't involved Rabinowitz with this yet. The union  
> > > > thru  
> > > > him  
> > > > has taken the position that Mr. Monereau has harassed me.  
> > > > Disposition is still pending Suggest you discuss with  
> > > > Marilyn  
> > > > Cooper and upon your advice will involve him in this  
> > > > additional  
> > > > action.  
> > > > Thanks again,  
> > > >  
> > > > Mike  
> > > >  
> > > >  
> > > > -----Original Message-----  
> > > > From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > > > To: [REDACTED]  
> > > > Sent: Mon, 10 Sep 2007 5:40 pm  
> > > > Subject: Re: Michael Westbay Personnel File  
> > > >  
> > > >  
> > > >  
> > > > Dear Mike:  
> > > >  
> > > > Did you receive your CAR?  
> > > >  
> > > > Did you tell Mr. Rabinowitz that the principal refuses to  
> > > > remove  
> > > > those objectionable items from your file and feigns  
> > > > knowledge  
> > > > of  
> > > > any missing letters etc.?? He said that whatever is there  
> > > > is  
> > > > there? How did he advise you to proceed?  
> > > >  
> > > > Regards  
> > > >  
> > > > Naham  
> > > >  
> > > > ----- Original Message -----  
> > > > From: [REDACTED]  
> > > > Date: Sunday, September 9, 2007 10:06 pm  
> > > > Subject: Re: Michael Westbay Personnel File  
> > > > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > > >  
> > > >  
> > > > >  
> > > > > Hi Andrea,

> > > >  
> > > > All is well with me. Am still at reassignment center in  
> > > > Queens.  
> > > > Appears my 2030 A hearing won't be until the end of this  
> > > > school  
> > > > yr or even next yr. Still have same concerns as  
> mentioned  
> > in  
> > > my  
> > > > email? of 7/2/07 which follows:  
> > > >  
> > > > Hi Andrea,  
> > > >  
> > > >  
> > > > Hope you're enjoying your vacation. I have copies of all  
> > of  
> > > my  
> > > > responses. Gary  
> > > > Rabinowitz at UFT is handling my harassment complaint. I  
> > > think  
> > > > we should consult with him and Marilyn Cooper about  
> filing  
> > > > grievances.? Thanks for your help.  
> > > > Mike?  
> > > >  
> > > > -----Original Message-----  
> > > > From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > > > To: [REDACTED]  
> > > > Sent: Sat, 30 Jun 2007 8:37 pm  
> > > > Subject: Re: Fwd: 2007 annual rating  
> > > >  
> > > >  
> > > >  
> > > >  
> > > > Dear Mike:  
> > > >  
> > > >  
> > > > I was told they were being mailed.? Please let me know  
> if  
> > > you  
> > > > have not received them in a couple of days as we all  
> just  
> > > > received ours earlier this week.? The payroll secretary  
> > was  
> > > > out  
> > > > due to surgery and the part- timer did not complete  
> them.?   
> > > As  
> > > > to  
> > > > the responses to the letters to file that you state are  
> > > > missing.  
> > > > I questioned Mr.  
> > > > Monereau about them.? He insists that everything is in  
> > your  
> > > > file.? Do you have copies of the letters?? We can file a  
> > > > grievance or seek the advice of the UFT advisor handling  
> > > your  
> > > > appeal.? Further to the witness statements of Mr.?Lipka,  
> I  
> > > > agree  
> > > > that it is unwarranted to have them in your file.?   
> Again,

> > I  
> > > > spoke to Mr. Monereau; he refuses to remove them, so I  
> can  
> > > > only  
> > > > suggest that we file a grievance.? Please advise me as  
> to  
> > > how  
> > > > you wish to proceed.  
> > > >  
> > > >  
> > > > -  
> > > > Naham  
> > > >  
> > > > ----- Original Message -----  
> > > > From: [REDACTED]  
> > > > Date: Tuesday, June 26, 2007 10:51 pm  
> > > > Subject: Fwd: 2007 annual rating  
> > > > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > > >  
> > > > > Any word on the CAR?  
> > > > > Thanks,  
> > > > > Mike  
> > > > >  
> > > > >  
> > > > > -----Original Message-----  
> > > > > From: [REDACTED]  
> > > > > To: [Anahamuft@optonline.net](mailto:Anahamuft@optonline.net)  
> > > > > Sent: Wed, 20 Jun 2007 6:35 pm  
> > > > > Subject: Fwd: 2007 annual rating  
> > > > >  
> > > > >  
> > > > >  
> > > > > Hi Andrea,  
> > > > > As per Marilyn?Cooper please get our CAR & attendance  
> > > > > Thanks,  
> > > > > Mike Westbay  
> > > > >  
> > > > >  
> > > > > -----Original Message-----  
> > > > > From: Marilyn Cooper  
> > > > > To: [REDACTED]  
> > > > > Sent: Wed, 20 Jun 2007 11:37 am  
> > > > > Subject: RE: 2007 annual rating  
> > > > >  
> > > > >  
> > > > >  
> > > > > Call the school and speak to your chapter leader  
> > > > > Sent by Good Messaging ([www.good.com](http://www.good.com))  
> > > > >  
> > > > > -----Original Message-----  
> > > > > rom: [REDACTED]  
> > > > > ent: Wednesday, June 20, 2007 10:37 AM Eastern  
> Standard Time  
> > > > > o: [Vsanchez@uft.org](mailto:Vsanchez@uft.org)  
> > > > > c: [mcooper@uft.org](mailto:mcooper@uft.org)  
> > > > > ument: 2007 annual rating  
> > > > > Hi Washington,  
> > > > > regory Allen & myself received our annual ratings from  
> > > > > Principal  
> > > > > Monereau.owever, we didn't receive any information  
> > > > > regarding  
> > > > > our

> > > > > CAR & attendance.  
> > > > > lease advise.  
> > > > > Thanks,  
> > > > > ike Westbay

> > > > >  
> > > > >

> > > > > -----Original Message-----

> > > > > From: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)  
> > > > > To: [REDACTED]  
> > > > > Sent: Fri, 7 Sep 2007 6:36 pm  
> > > > > Subject: Re: Fwd: Michael Westbay Personnel File

> > > > >  
> > > > >

> > > > >  
> > > > >

> > > > >

> > > > > ?Dear Michael:

> > > > >

> > > > > I haven't heard from you for a while ? Let me know the  
> > > status

> > > > of

> > > > your case and what your up to.

> > > > >

> > > > > Regards,

> > > > >

> > > > > Naham

> > > > >

> > > > > ----- Original Message -----

> > > > > From: [REDACTED]  
> > > > > Date: Wednesday, June 20, 2007 10:31 am  
> > > > > Subject: Fwd: Michael Westbay Personnel File  
> > > > > To: [anahamuft@optonline.net](mailto:anahamuft@optonline.net)

> > > > >

> > > > >

> > > > >

> > > > > Hi Andrea

> > > > > Hope all is well. Am forwarding concerns with

> > > personnel

> > > > file

> > > > > to

> > > > > you as per Marilyn Cooper. Please advise

> > > > > Thanks,

> > > > > Mike Westbay

> > > > >

> > > > > -----Original Message-----

> > > > > From: Marilyn Cooper  
> > > > > To: [REDACTED]  
> > > > > Sent: Wed, 20 Jun 2007 10:06 am  
> > > > > Subject: RE: Michael Westbay Personnel File

> > > > >

> > > > >

> > > > >

> > > > >

> > > > >

> > > > > All this goes to your chapter leader in your school

> > > please

> > > > > contact her

> > > > >

> > > > > Sent by Good Messaging ([www.good.com](http://www.good.com))

> > > > >

> > > > >

> > > > > -----Original Message-----



> > > > From: [REDACTED]  
> > > > Sent: Tuesday, June 19, 2007 11:07 PM Eastern Standard Time  
> > > > To: [Mcooper@uft.org](mailto:Mcooper@uft.org)  
> > > > Subject: Michael Westbay Personnel File  
> > > >  
> > > > Hi Marilyn,  
> > > > Have many concerns with file recently provided:  
> > > >  
> > > > 1. There are two outdated letters which should be  
> > removed  
> > > > (1/24/01 from then  
> > > > AP Ken Graham and 3/11/02 from AP Duane Smith).  
> > > >  
> > > >  
> > > > 2. There are many rebuttals for Letters and Grievances  
> > which  
> > > > should be  
> > > > included:  
> > > >  
> > > > 5/15/06 Monereau letter rebuttal.  
> > > >  
> > > > 5/24/06 Tackill letter rebuttal (missing rebuttal  
> > refers  
> > to  
> > > > "Unable to  
> > > > control" letter).  
> > > >  
> > > > 5/26/06 Greenberg letter rebuttal.  
> > > >  
> > > > 6/5/06 Ludvigsen letter rebuttal.  
> > > >  
> > > > 6/1/06 Tackill letter rebuttal.  
> > > >  
> > > > 6/6/06 Tackill letter rebuttal.  
> > > >  
> > > > Amendments to rebuttals of 5/26/06 Greenberg letter.  
> > 5/30/06  
> > > > Tackill letter, 6/5/06  
> > > > Ludvigsen letter and reply to Monereau memo dated 6/30/06.  
> > > >  
> > > > 3. Statements from Mr. Lipka 4/5/06 and Mr. T 4/4/06  
> > > regarding  
> > > > an alleged  
> > > > incident in the main office, letter from "Safety  
> > Consultant"  
> > > > Lipka 5/23/05  
> > > > to AP Tackill and Tackill's reply 5/24/06 have no  
> > place  
> > in  
> > > > my  
> > > > personnel file. there was no letter for the file, nor  
> > was  
> > I  
> > > > given  
> > > > the opportunity to  
> > > > respond. Also, "Safety Consultant" Lipka is a retired  
> > F  
> > > > status  
> > > > teacher not  
> > > > an administrator.  
> > > >  
> > > > 4. Will forward copies of Grievances.

> > > > > Also, I have a question there are 2 U rated

> > > > from

> > > > > year 2000-2001. I received an S for the year Can

> > > two

> > > > > observations be removed? Please advise on various concerns.

> > > > > Thanks,

> > > > > >

> > > > > >

> > about

> > > > > AOL at AOL.com.

> > > > > >

> > > > > >

✓ ✓ ✓ ✓

> >

> > > > > solely those of

> reviewed

> > > > > approved by the UFT.

> > > > >

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✓ ✓

email to everyone. Find out more about

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✓ ✓  
✓ ✓

> > > > Mail! - <http://mail.aol.com>

✓ ✓ ✓ ✓  
 ✓ ✓ ✓ ✓

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>  
> \_\_\_\_\_ > Email and AIM finally

together. You've gotta check out free AOL

> > > Mail! - <http://mail.aol.com>

> > >

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> > > Email and AIM finally together. You've gotta check out free

> > AOL Mail!

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It's time to go back to school! Get the latest trends and gadgets that make the grade on [AOL Shopping](#).



2 8 08 step 12grievance denial by UFT 3 18 08.jpg  
2447K